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| 09/815,878      | 03/22/2001  | Karapet Ablabutyun   | 17793.00600         | 7381             |

7590 11/06/2003

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| EXAMINER |
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FOX, CHARLES A

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| ART UNIT | PAPER NUMBER |
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3652

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/815,878

Applicant(s)

ABLABUTYAN, KARAPET

Examiner

Charles A. Fox

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 17.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Information Disclosure Statement***

The lined through references on the Information Disclosure Statement filed on August 7, 2003 were lined through because they had been previously considered by the office. The inclusion of the PCT search report is acknowledged and has been considered but is lined through as it is not a published document and can not be included on the front page should this application be issued as a patent.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not describe which switches mentioned are the first and second control switches. The terminology of "control switches" is considered new matter and should be cancelled from the claims. As the claims contain new matter they have not been examined at this time.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8,10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lassanske. In regards to claims 1-5,7,8,10-12 and 14-17 the prior art (of figure 1) teaches a lift device comprising:

a movable platform adapted to move from a lower position, a upper position and a stowed position;

said platform is connected to a vehicle via an arm mechanism with a parallelogram structure;

wherein said platform is in a substantially horizontal orientation in the lower and upper positions and a substantially vertical orientation in the stowed position;

wherein said platform speed is reduced when placed or taken from the stowed position and is faster in the lower and upper positions;

wherein said platform is a wheelchair lift.

The prior art does not teach a hydraulic drive motor with an electric control circuit to control the speed of the lift by varying the power to the drive motor. Lassanske US 4,175,632 teaches a control circuit for a direct current motor (15) for driving a hydraulic pump (55) to limit the output of the pump, wherein said control circuit comprises a variable resistive circuit in series with a power supply that controls the current to said drive motor.

It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the lifting device taught by the admitted prior art with the control circuit taught by Lassanske in order to selectively control the speed of the hydraulic

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pump thereby allowing the device to operate a varying speeds as needed for safety reasons, but without resorting to complex switching devices.

In regards to claim 13 the admitted prior art teaches using a solenoid to move the lift from a stowed position as well as causing the lift to move up or down vertically.

In regards to claim 18 Lassanske further teaches the control circuit for the motor as comprising:

a first switch (18) having a first terminal coupled to a power source (17) and a second terminal connected to a D.C. motor;

a second switch (19) having a first terminal connected to said power supply and a resistor coupled to a second terminal;

said resistor having a terminal connected to said motor.

In regards to claim 6 the admitted prior art (figure 6) teaches a lift device for vertically moving a vehicle, said lift having a platform for supporting said vehicle. The prior art does not teach a hydraulic drive motor with an electric control circuit to control the speed of the lift by varying the power to the drive motor. Lassanske US 4,175,632 teaches a control circuit for a direct current motor (15) for driving a hydraulic pump (55) to limit the output of the pump, wherein said control circuit comprises a variable resistive circuit.

It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the lifting device taught by the prior art with the control circuit taught by Lassanske in order to selectively control the speed of the hydraulic pump thereby

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allowing the device to operate a varying speeds as needed for safety reasons, but without resorting to complex switching devices.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art and Lassanske as applied to claim 7 above, and further in view of Neagu. The admitted prior art and Lassanske teach the limitations of claim 7 as above, they do not teach the lift device as being a tailgate type lift. Neagu US 4,836,736 teaches a tailgate type lift (10). It would have been obvious to one of ordinary skill in the art, at the time of invention that the device as taught by Saucier et al. in view of Antoun could be modified to fit work on the tailgate of a vehicle as taught by Neagu in order to allow the device to load and unload a truck in a safe and efficient manner.

#### ***Response to Amendment***

The amendments to the claims filed on August 7, 2003 have been entered into the record.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection. The argument that the new matter is located in the specification on page 5 lines 1-14 is not persuasive. The new matter deals with control valves in an electrical system while the passage in question deals with a hydraulic system. The new matter should be cancelled from the claims.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Espinosa et al. 1984, Cudlitz 1984, Bowles 1989 and Paulson et al. 1995.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-5:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



EILEEN D. LILLIS  
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